

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26455-2023(O&M)

Date of Decision:-19.07.2023

Hardeep Singh @ Tippi.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vipin Mahajan, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

CRM-28569-2023

Allowed as prayed for.

Computer generated copies of Annexure P-5 to P-7 are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

CRM-28571-2023

The prayer in the application under Section 482 Cr.PC is for preponement of the date of hearing.

Heard.

For the reasons stated in the application the same is allowed and date of hearing is advanced from 03.10.2023 to today and is taken up for hearing itself.

CRM-M-26455-2023

The Prayer in this petition under Section 439 Cr.PC is for the

grant of regular bail in case FIR No.57 dated 20.04.2023 under Sections 326, 324, 148, 149 IPC registered at Police Station Division No.2, District Pathankot, Punjab.

2. As per the prosecution case while the complainant Rajan Sharma and Dilpreet Singh @ Gandhi were going towards the house of Vikram Singh then Hardeep Singh @ Tippi (petitioner), Deepu Palwan armed with a *datar*, Mohni Palwan armed with a *datar*, Sahba armed with *datar*, Rahul @ Anda armed with a *Kirpan*, Billi armed with a baseball along with three unknown persons came towards Dilpreet Singh @ Gandhi. Tippi raised a *lalkara*. Deepu Palwan gave two blows on the head of Dilpreet Singh @ Gandhi with his *datar* striking the middle of his head and back side of his head. Mohni Palwan gave a *datar* blow towards Dilpreet Singh @ Gandhi who raised his left hand as a result of which the *datar* struck the palm of his left hand causing a grievous injury. Thereafter Rahul @ Anda gave a *kirpan* blow on his person striking his left wrist. When Dilpreet Singh @ Gandhi got up and tried to run away then Sahba caught hold of him from behind while Raju Batalia gave blows with a *datar* on his left leg. Billy and three unidentified persons gave beatings to Dilpreet Singh @ Gandhi. The said three persons could be identified. On a *lalkara* being raised the accused fled away from the spot.

3. The Counsel for the petitioner contends that as per the allegations he is shown to be empty handed and only a *lalkara* has been attributed to him. In fact, the petitioner himself has suffered injuries and it is a case of a version and cross version. The complainant was a habitual criminal involved in a number of cases. Three co-accused of the petitioner had been granted the concession of interim anticipatory bail vide orders Annexure P-5 to P-7 respectively. As the petitioner was in custody since

24.01.2023, the petitioner was entitled to the concession of bail as the Trial was not likely to be concluded anytime soon.

4. The Counsel for the State on the other hand contends that all the accused caused injuries to Dilpreet Singh @ Gandhi a friend of the complainant. The nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He however, concedes that some of the co-accused of the petitioner have been released on interim anticipatory bail, the period of custody already undergone by the petitioner as also the fact that no recovery has been effected from him.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of the Trial. Admittedly, the petitioner is in custody since 24.01.2023 and none of the prosecution witnesses have been examined so far. In this situation the Trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Hardeep Singh @ Tippi** son of Sh. Surjit Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

10. In addition the petitioner (or anyone on his behalf) shall prepare

an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court.

The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 19, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No